

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-14, 30, 31, and 45-51 are pending in the present application.

In the outstanding Office Action, 1-14, 30, 31, and 45-51 were rejected under 35 U.S.C. § 103 over “Texas Lotto Club” as described in documents obtained from www.archive.org (herein “Texas Lotto Club”) in view of Snowden et al. (U.S. Patent No. 5,417,424, herein “Snowden”), and Yacenda (U.S. Patent No. 6,322,446). That rejection is respectfully traversed.

In the outstanding Office Action, the Examiner indicated that “Applicant filed a provisional application on January 30, 2001” (see Office Action at p. 4). This is not correct. The present application claims priority to U.S. provisional application No. 60/188,318. The provisional application was filed on March 10, 2000 rather than January 30, 2001. Applicants’ attached “Bibliographic Data” and “Parent Continuity Data” pages obtained from the U.S. PAIR system located at www.uspto.gov show the correct date. As such, the provisional application was filed only four months after the effective filing date of Yacenda.

Applicants’ Declaration Pursuant to 37 C.F.R. § 1.131 and supporting Exhibits attached to its June 8, 2007 response establish that Applicants conceived and reduced to practice the present invention prior to the December 10, 1999 effective filing date of Yacenda. In light of Applicants’ attached Declaration Pursuant to 37 C.F.R. § 1.131, swearing behind the effective filing date of Yacenda (December 10, 1999), Applicants respectfully submit that Yacenda is not prior art, and thus cannot be relied upon to reject Claims 1-14, 30, 31, and 45-51. Additionally, Applicants are further unaware of any requirement to provide non-excerpted copies of the Exhibits. Since the Office Action concedes that Texas Lotto Club and Snowden fail to disclose or suggest all the limitations of Claims 1-14, 30, 31, and 45-51, Applicants respectfully request reconsideration for allowance of Claims 1-14, 30, 31, and 45-51.

Notwithstanding the above reasons for the allowability of Claims 1-14, 30, 31, and 45-51,

it is respectfully submitted that the present claims include subject matter that is not disclosed in or suggested by the cited references. With regard to Claim 1, for example, the claim recites, *inter alia*, a lottery interface resident on a management server computer system in communication with lotteries and with a participant interface for ascertaining drawing results, jackpot amounts, comparing the drawing results with sets of lottery numbers and recognizing a winning event. Applicants respectfully submit that none of the references, including Texas Lotto Club, Snowden nor Yacenda, disclose or suggest the provision of a lottery interface resident on a management server computer system which includes the functions required by Claim 1. Texas Lotto Club describes a lottery pool, the advantages of joining a pool, the costs associated therewith and a members only section of a website that members can use to request copies of tickets to confirm that tickets for a particular lottery have been bought by, apparently, the pool manager. There is no description or suggestion in Texas Lotto Club of a lottery interface as recited in Claim 1.

Snowden discloses a so-called winning or win checker to be connected to a lottery agent terminal whereby an individual who has purchased lottery tickets can automatically compare winning entry data with the tickets possessed by such individual. Again, there is no disclosure or suggestion in Snowden of a lottery pool management system including a lottery interface resident on a management server computer and configured as required by the claim.

Yacenda discloses a lottery agent system which includes player terminals on which individuals can play lottery games, including purchasing and receiving tickets, screening of players and winning tickets but there is no disclosure or suggestion of a lottery interface which compares the drawing results with one or more sets of lottery numbers in one or more lottery pools, recognizing a winning event. Accordingly, in at least these respects, Claim 1 is believed to distinguish patentably over the combined teaching of Texas Lotto Club, Snowden and Yacenda.

Claims 2 through 14 remain in the application dependent on Claim 1 and are believed to be allowable at least for the reasons set forth in support of the patentability of Claim 1. Additionally, with regard to Claim 2, none of the references disclose or suggest a participant

interface resident on a management server computer system which includes a lottery pool creation module to allow pool participants to create new lottery pools. Further, with regard to Claim 3, none of the references suggest the provision of a ticket entry module that allows changing ticket numbers that were entered previously.

Still further, with regard to Claim 4, Applicants respectfully submit that Texas Lotto Club does not disclose or suggest a system wherein lottery pool participants are each members of a club disposed to participate in a number of successive lotteries, wherein a participant interface includes a participant history module and a notification interface is configured to notify each of the club members when a lottery reaches a specified jackpot level. With regard to Claim 5, there is no specific disclosure or suggestion in Texas Lotto Club or the secondary references that a participant can replay previously selected numbers. With regard to Claims 6, 7 and 8, Applicants respectfully submit that the references fail to disclose or suggest the provision of a lottery interface as previously discussed and which interface further includes the features set forth in these claims. Reconsideration for allowance of Claims 2 through 14 is requested.

With regard to Claim 30, as set forth above with respect to the patentability of Claim 1, a lottery interface, as recited in Claim 30, configured to ascertain drawing results, jackpot amounts, compare drawing results with the lottery numbers in the pools and recognize a winning event, is not disclosed in or suggested by the references. Claim 30 and dependent Claim 31 are believed to be patentable at least for the same reasons as set forth above with respect to Claim 1.

With regard to Claim 45, and the claims dependent thereon, Claim 45 is believed to be patentably distinguishable over the teaching of Texas Lotto Club, Snowden and Yacenda, again for the reason that there is no disclosure in any of these references nor suggestion to provide, inter alia, a lottery interface configured to ascertain drawing results and jackpot amounts, compare the drawing results with one or more sets of lottery numbers in the pools and recognize a winning event. Applicants respectfully submit that the principal reference, Texas Lotto Club web pages retrieved from WAYBACKMACHINE Internet Archives, fails to disclose or suggest a lottery pool management system including a management server computer system on which a participant interface, a lottery interface and a notification interface are resident and include the

features set forth in independent Claim 45 (or independent Claims 1 and 30). Texas Lotto Club describes a system wherein lottery players can participate in a pooling arrangement whereby participants can join the club via a computer and via the Internet, but there is no disclosure in any of the cited references, taken alone or combined, of the features of a participant interface, lottery interface or notification interface resident on a management server computer system, as required by the claims.

Applicants have made a diligent effort to advance the prosecution of this application by submitting an Affidavit Under 37 C.F.R. 1.131 and by pointing out with particularity herein how the claims are believed to clearly distinguish over the prior art. An early Notice of Allowance of Claims 1 through 14, 30, 31 and 45 through 51 is respectfully solicited.

CONCLUSION

In light of the arguments set forth above, Applicants respectfully submit that the Application is now in allowable form. Accordingly, Applicants respectfully request consideration and allowance of the currently pending claims.

No fees are believed due at this time. If this is incorrect, Applicants hereby authorize the Commissioner to charge any fees, other than issue fees, that may be required by this paper to Deposit Account No. 07-0153. The Examiner is respectfully requested to call Applicants' Attorney for any reason that would advance the current application to issue. Please reference Attorney Docket No. 122923-1000.

Dated: November 27, 2007

Respectfully submitted,
GARDERE WYNNE SEWELL LLP



Karl L. Larson
Registration No. 41,141
ATTORNEY FOR APPLICANTS

3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201-4761
(214) 999-4582 - Telephone
(214) 999-3623- Facsimile

09/803,339	Systems, methods and apparatuses for lottery pool management	11-27-2007::10:08:15
------------	--	----------------------

Bibliographic Data

Application Number:	09/803,339	Customer Number:	-
Filing or 371 (c) Date:	03-09-2001	Status:	Final Rejection Mailed
Application Type:	Utility	Status Date:	08-31-2007
Examiner Name:	BANTA, TRAVIS R	Location:	ELECTRONIC
Group Art Unit:	3714	Location Date:	-
Confirmation Number:	7334	Earliest Publication No:	US 2001-0031661 A1
Attorney Docket Number:	122923-1000	Earliest Publication Date:	10-18-2001
Class / Subclass:	463/026	Patent Number:	-
First Named Inventor:	Richard Wiltshire , Carrollton, TX	Issue Date of Patent:	-

Title of Invention:	Systems, methods and apparatuses for lottery pool management
---------------------	--

[Close Window](#)

09/803,339	Systems, methods and apparatuses for lottery pool management	11-27-2007::09:39:28
------------	--	----------------------

Parent Continuity Data

Description	Parent Number	Parent Filing or 371 (c) Date	Parent Status	Patent Number
This application Claims Priority from Provisional Application	60/188,318	03-10-2000	Expired	-

Child Continuity Data

No Child Continuity Data Found

[Close Window](#)